

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

DAWN V.L.,¹)
Plaintiff,)
v.) Civil Action No. 5:21-cv-00052
COMMISSIONER OF SOCIAL) By: Elizabeth K. Dillon
SECURITY,) United States District Judge
Defendant.)

ORDER

In this social security case, defendant the Commissioner of Social Security (Commissioner) moved for summary judgment under Federal Rule of Civil Procedure 56 (Dkt. No. 22), and plaintiff Dawn V.L. filed a brief in support of remand (Dkt. No. 21). Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the matter to U.S. Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On March 15, 2023, the magistrate judge issued his R&R, recommending that the court deny the Commissioner's motion for summary judgment, reverse the Commissioner's final decision denying plaintiff's claim for disability insurance benefits (DIB), remand the matter under the fourth sentence of 42 U.S.C. § 405(g), and dismiss this case from the court's active docket. (R&R 25, Dkt. No. 24.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.* at 25–26.)

¹ Due to privacy concerns, the court is adopting the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts only use the first name and last initial of the claimant in social security opinions.

The deadline to object to the R&R has passed, and no party has filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record, the court is satisfied that there is no clear error. Accordingly, the court hereby ORDERS as follows:

1. The R&R (Dkt. No. 24) is ADOPTED;
2. The Commissioner’s motion for summary judgment (Dkt. No. 22) is DENIED;
3. The Commissioner’s final decision is REVERSED; and
4. This matter is REMANDED for further administrative proceedings under the fourth sentence of 42 U.S.C. § 405(g).

An appropriate judgment order will be entered.

Entered: March 31, 2023.


Elizabeth K. Dillon
United States District Judge